

DRAFT

The Honorable Michael B. Seyb
Mayor
Pretty Prairie
119 W Main
P.O. Box 68
Pretty Prairie, KS 67570-0068

Re: NOTICE OF VIOLATION
Pretty Prairie Public Water System
Pretty Prairie, KS
PWS ID – KS2015501

Dear Mayor Seyb:

I'm writing to call your attention to the matter of the drinking water in the town of Pretty Prairie. As I'm sure you are aware, for a period of over 15 years, the town's drinking water has been in violation of the Environmental Protection Agency's Maximum Contaminant Level for nitrates of 10 mg/L (see 40 CFR 141.xxxx). Based on monitoring data that the water system has provided to the Kansas Department of Health and Environment, the nitrate concentration in your drinking water is approximately 18 mg/L, and the concentration is continuing to increase.

These MCL exceedances constitute a violation of the Safe Drinking Water Act.

Given our common interest in protecting the health of the citizens of Pretty Prairie, it is imperative that you implement a permanent solution to address the nitrates in your town's drinking water. In order to comply with the SDWA requirement for nitrates in a public water system, the PWS must reduce the concentration of nitrates in water served to less than the MCL of 10 mg/L.

We understand that Pretty Prairie has made a number of attempts at working with both the EPA and the Kansas Department of Health and Environment to address this important water quality issue in the past. We must emphasize, however, that the approach of using bottled water as a permanent solution to address nitrates in drinking water consumed by infants and pregnant/nursing mothers, is inconsistent with the National Primary Drinking Water Regulations.

We are unaware of any specific actions that the town has initiated over the past several years to abate the nitrates in its drinking water. If the town has taken any actions or is planning to take any actions to reduce nitrate levels in its drinking water to meet EPA's Maximum Contaminant Level of 10 mg/L, please advise EPA of those actions.

This Notice of Violation (NOV) is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. 300g-3(a). If the water system does not enter into an appropriate enforcement agreement with the Kansas Department of Health and Environment, or if KDHE does not issue an appropriate enforcement action to the water system within 30 days from receipt of this NOV, the EPA is authorized to either issue an

Administrative Order under Section 1414(b) of the SDWA, 42 U.S.C. 300g-3(g), requiring the PWS to comply with the regulations or requirements, or to commence a civil action under Section 1414(b) of the SDWA. EPA defines “appropriate enforcement” in its “Drinking Water Enforcement Response Policy” (December 2009 – see CITATION)

If, as required by the SDWA, an appropriate enforcement action is not executed between the PWS and the KDHE within thirty (30) days of receipt of this NOV, the EPA will take necessary steps to require the PWS to come into compliance,

You may wish to confer with my staff to discuss the EPA’s position regarding this PWS and to exchange pertinent information. You are also invited to confer with the EPA for advice and technical assistance as provided by Section 1414(a) of the SDWA, 42 U.S.C. 300g-3(g)

If you have any questions regarding this matter, please contact Scott Marquess of my staff at (913) 551-7131. A copy of this NOV has also been provided to the KDHE.

Sincerely,

Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

CC: Darrel Plummer, KDHE